

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2009-XXXX

AMENDING TIME SCHEDULE ORDER NO. R5-2008-0157
FOR
CITY OF LINCOLN
WASTEWATER TREATMENT AND RECLAMATION FACILITY
PLACER COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board), finds:

1. On 23 October 2008, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2008-0156, prescribing waste discharge requirements for the City of Lincoln (hereafter Discharger), Wastewater Treatment and Reclamation Facility (hereafter Facility), Placer County.
2. WDR Order No. R5-2008-0156 contains Final Effluent Limitations in Section IV.A.2.a, which read, in part, as follows:

Table 6b. Final Effluent Limitations – Discharge Point 001

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instant. Minimum	Instant. Maximum
Copper (Total Recoverable)	ug/L	3.4	--	7.0	--	--

The final effluent limitation specified in Order No. R5-2008-0156 for copper is based on implementation of the California Toxics Rule and established in accordance with the *Policy for Implementation of Toxics Standard for Inland Surface Waters, Enclosed Bays, and Estuaries of California, 2005* (also referred to as the State Implementation Plan, or SIP).

3. On 23 October 2008, the Regional Water Board additionally adopted Time Schedule Order (TSO) No. R5-2008-0157, providing a five-year time schedule for the Discharger to comply with the final copper limitation in Section IV.A.2.a of the WDR Order. In accordance with the SIP, since the time schedule for compliance exceeds one year, the TSO includes an interim maximum-daily performance-based effluent limitation for copper.
4. Interim performance-based effluent limitations are calculated using actual water quality data provided by the Discharger. In developing the interim limitations, where there are ten sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9 percent of the data points will lie within 3.3 standard deviations of the mean (*Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row, 3rd Edition, January 1986*). Where actual sampling shows an exceedance of the proposed 3.3-standard deviation interim limit, the interim limitation is established as the maximum detected effluent concentration.

5. TSO Order No. R5-2008-0156 contains an interim maximum-daily copper effluent limitation of 4.7 ug/l based on the following calculation summary which read, in part, as follows:

Interim Effluent Limitation Calculation Summary

Parameter	MEC (µg/L)	Mean (ug/L)	Std. Dev.	# of Samples	Interim Limitation (µg/L)
Copper, Total Recoverable	6.20	1.49	0.96	34	4.7

6. The purpose of an interim limitation is to provide the Discharger with a limitation in which it can comply with until compliance with the final effluent limitations is achieved. The interim maximum-daily copper limitation in TSO No. R5-2008-0157 is less than the observed maximum effluent concentration (MEC) of 6.2 ug/l in the Facility effluent and the final maximum daily effluent limitation of 7.0 ug/l in WDR Order No. R5-2008-0156, and is therefore incorrect.
7. Effluent data demonstrates that the Discharger is able to comply with the final maximum daily effluent limitation of 7.0 ug/l, but is not able to immediately comply with the final average monthly effluent limitation of 3.4 ug/l. Given the foregoing, it is reasonable and appropriate to amend TSO No. R5-2008-0157 to replace the miscalculated 4.7 ug/l with a Maximum Daily interim limitation of 7.0 ug/l.
8. Adoption of this Resolution to amend TSO No. R5-2008-0157 is exempt from the provisions California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) in accordance with Title 14, California Code of Regulation, Section 15301, and Title 14, California Code of Regulations, Section 15061 (b)(3). The correction of the interim limitation in a Time Schedule Order is ministerial and not a "project" because the Discharger is already complying with the amendment, and because the TSO is only intended to attain compliance with the NPDES requirements. (Public Resources Code Sections 21065 and 21080(b)(2).)
9. On XX April 2009, after due notice to the Discharger and all other affected persons, a Public Hearing was held and all evidence received concerning the amendment of TSO No. R5-2008-0157 was considered.

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IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13263 and 13377, Time Schedule Order No. R5-2008-0157 is amended by making the following modifications:

1. Finding No. 11, third paragraph is amended as follows:

The following table summarizes the calculations of the interim performance-based effluent limitations for copper:

Interim Effluent Limitation Calculation Summary

Parameter	MEC (µg/L)	Mean (ug/L)	Std. Dev.	# of Samples	Interim Limitation (µg/L)
Copper, Total Recoverable	6.20	1.49	0.96	34	4.7 <u>7.0</u>

2. Order Item No. 2 is amended as follows:

The following interim effluent limitation shall be effective immediately. The interim effluent limitation for copper shall be effective up to **5 years from the adoption date of this Order**, or when the Discharger is able to come into compliance with final effluent limitations, whichever is sooner:

Parameter	Units	Maximum Daily Effluent Limitation
Copper, Total Recoverable	ug/L	4.7 <u>7.0</u>

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX April 2009.

PAMELA C. CREEDON, Executive Officer